

# UTAH OPEN & PUBLIC MEETINGS ACT

UTAH CODE ANN. §52-4-101et seq.

UCA §52-4-104 — The presiding officer of the public body shall ensure that the members of the public body are provided with annual training of the requirements of this chapter.

# Declaration of Public Policy

- §52-4-102 (1) The Legislature finds and declares that the state, its agencies and political subdivisions exist to aid in the conduct of the peoples business.
- (2) It is the intent of the Legislature that the state, its agencies and its political subdivisions : (a) **take their actions openly**; and (b) **conduct their deliberations openly**.

ALL THOSE IN FAVOR  
OF WHAT WE DISCUSSED  
IN OUR E-MAIL THREAD  
AND AT LARRY'S SON'S  
BIRTHDAY PARTY SAY 'AYE'

'Aye'

'Aye'

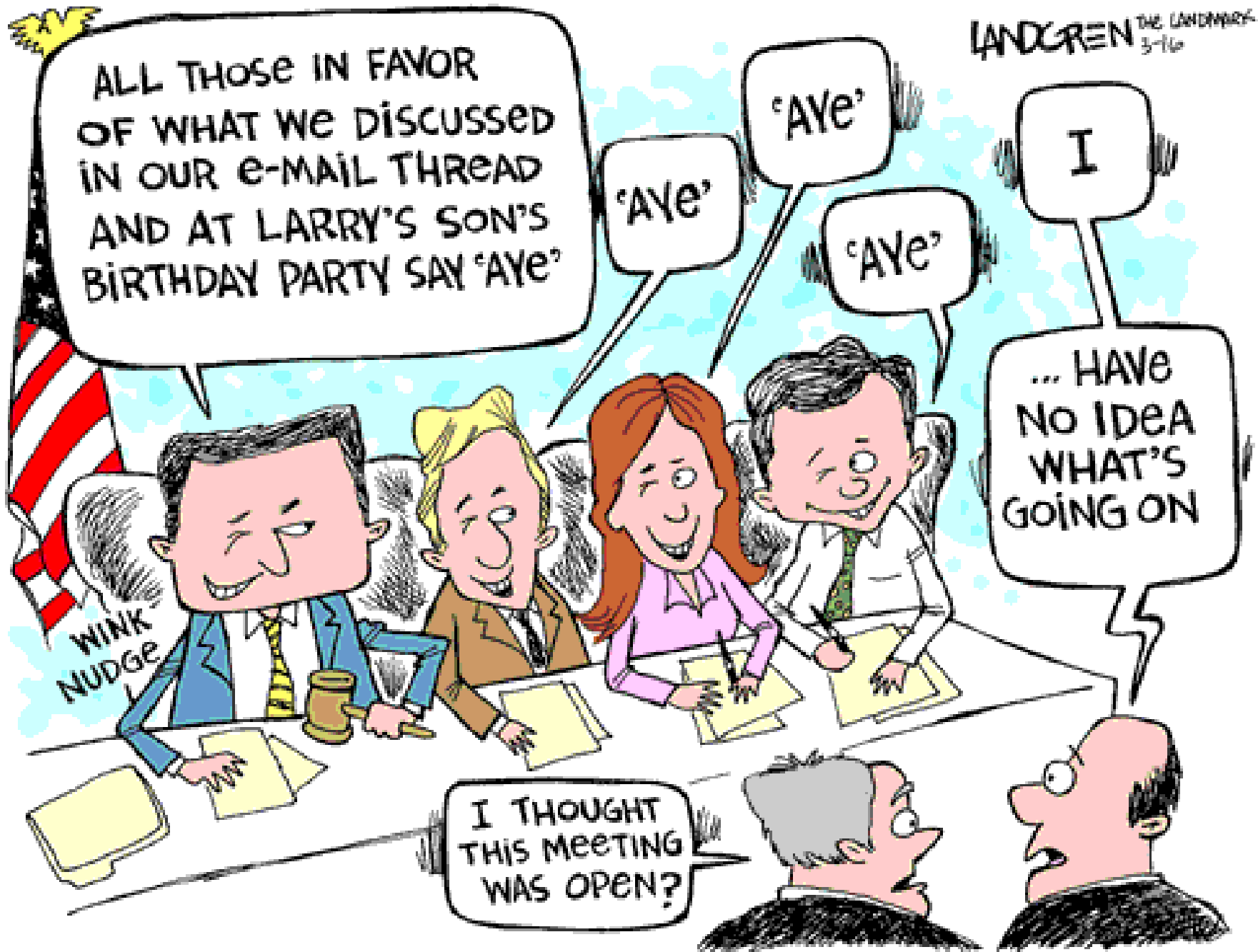
'Aye'

I

... HAVE  
NO IDEA  
WHAT'S  
GOING ON

I THOUGHT  
THIS MEETING  
WAS OPEN?

WINK  
NUDGE



# To Whom Does the Law Apply

- You are a Public Body if you:
  - Are created by statute, rule, ordinance, or resolution; and
  - Consist of two or more persons; and
  - Expend, disburse, or are supported in whole or in part by tax revenue; and
  - Are vested with the authority to make decisions regarding the public's business (including recommendations to the City Council)

# For Kanab City, This Includes:

- The City Council
- The Planning Commission
- The Library Board
- The Heritage Board
- The Beautification/Tree Committee
- The Parks and Rec Board
- The Arts Council
- Any other group or subcommittee created by official action

# Meetings

- Must be open to the public unless properly closed;
- Must be properly noticed and agendized;
- Must be properly recorded;

# What Is a Meeting?

- Quorum present
  - Including workshop
  - In person or electronically
- You are there to:
  - Discuss, or
  - Receive Comment, or
  - Act

Upon a matter over which the public body has jurisdiction or advisory power

# What is Not a Meeting?

- A chance meeting
- A social meeting
- A public body with both legislative and executive responsibilities where no public funds are appropriated AND meeting solely for discussion or to implement administrative/operational matters



# Notice

- At least 24 hours before the meeting:
  - Agenda
  - Date
  - Time
  - Place
- Needs to be posted at City Office and Utah Public Notice Website
- Annual notice of meetings throughout the year

# Agenda

- “Shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting”
- “Each topic shall be listed under an agenda item”
- Items not on the agenda that are raised by the public may be discussed, but no action taken

# Minutes/Recording

- Minutes For All Open Meetings Must Include:
  - Date, time, place;
  - Names of members present and absent;
  - Substance of all matters proposed, discussed, or decided;
  - Record, by individual member, of each vote taken;
  - Name of each individual not on the body that is recognized by the chair who provides testimony or comments, and a summary of what was said;
  - Any other record of the meeting that a member requests be included.

# Minutes Continued

- Body must establish and implement procedure for approval of minutes
- Minutes not yet approved must have “Unapproved & Subject to Change” Printed on top
- Minutes must be available to the public
- Minutes must be retained permanently

# Recordings

- Each meeting must be recorded
- Recording of each meeting must be available to the public

# Electronic Meetings

- You can meet by phone, computer, or other electronic means
- Notice requirements still apply
- Public must be able to attend or participate
- Must have an adopted ordinance/rule/policy “governing the use of electronic meetings”

# Emergency Meetings

- Emergency means emergency
- Give as much notice as possible
- Must attempt to notify all members
- A majority of members must approve the meeting

# Closed Meetings

- Closed meetings are used to discuss specific items that fall into one or more of the following categories:
  - An individual's character, professional competence, or physical or mental health
  - Pending or reasonably imminent litigation
  - Purchase, sale, exchange of real property
  - Criminal misconduct



# Closed Meetings Continued

- Must begin meeting as opened
- Must have a quorum
- Must have a 2 / 3 vote to go into a closed meeting
- Must publically state the purpose of the closed meeting
- The discussion cannot stray from stated allowed purpose
- May not interview candidates applying to fill an elected position
- Must be held at location of regular meeting if held on the same day
- May not approve any official actions or take final votes

# Enforcement/Violations

- Intentional closed meeting violation = Class B misdemeanor
- Court may:
  - Void an action taken
  - Compel compliance
  - Award attorney fees and court costs to successful plaintiff
- Attorney General and County Attorneys Charged with Enforcement
- Any aggrieved individual can bring suit

# Questions/Concerns?